

Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 EURE-00 SSO-00 NSCE-00 USIE-00 INRE-00
CIAE-00 PM-04 INR-07 L-03 ACDA-07 NSAE-00 PA-01 SS-15
PRS-01 SP-02 TRSE-00 SAJ-01 DODE-00 H-01 NSC-05 IO-13
VO-03 SCA-01 PPT-01 CPR-01 /079 W
-----061923Z 095006 /46

O R 061745Z JAN 77
FM AMEMBASSY BERLIN
TO SECSTATE WASHDC NIACT IMMEDIATE 3881
INFO AMEMBASSY BONN
AMEMBASSY BELGRADE
AMEMBASSY BUCHAREST
AMEMBASSY BUDAPEST
AMEMBASSY LONDON
AMEMBASSY MOSCOW
AMEMBASSY PARIS
AMEMBASSY PRAGUE
AMEMBASSY SOFIA
AMEMBASSY WARSAW
USMISSION USBERLIN UNN
USMISSION NATO

C O N F I D E N T I A L BERLIN 5034

E O 11652: GDS
TAGS: PFOR, PINT, GE
SUBJ: FRG DEPUTY PERMANENT REPRESENTATIVE SUSPICIOUS ABOUT GDR
SUSPENSION OF PUBLISHING ORDINANCE OF EAST BERLIN

REF: A) BERLIN 5015; B) BERLIN (76) 7366

1. FRG DEPUTY PERMANENT REPRESENTATIVE INFORMED US, UK,
AND FRENCH REPRESENTATIVES LATE JANUARY 6 OF CONVERSATION
HE HAD JANUARY 5 WITH SEIDEL, GDR MFA FRG SPECIALIST, IN

WHICH THE QUESTION OF THE ORDINANCE GAZETTE FOR EAST
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BERLIN WAS DELICATELY PROBED. BRAUTIGAM RECALLED TO
ALLIED REPRESENTATIVES THAT GDR LAW DOES NOT DIRECTLY
APPLY IN EAST BERLIN BUT GOES THROUGH A STAGE OF
RATIFICATION BY EAST BERLIN CITY ASSEMBLY AND THEN
IS PUBLISHED IN THE EAST BERLIN ORDINANCE GAZETTE. HE SAID
THAT THE FRG HAD NOTICED THAT THE ORDINANCE GAZETTE HAD
LAST APPEARED IN SEPTEMBER 1976. HE NOTED THERE HAD BEEN

NO NEED BETWEEN SEPTEMBER AND DECEMBER OF LAST YEAR FOR SUCH A GAZETTE EDITION TO BE PUBLISHED. HOWEVER THE SPATE OF ECONOMIC AND PLAN LEGISLATION PASSED BY THE VOLKSKAMMER IN MID-DECEMBER SUGGESTED THAT NORMAL PROCEDURE WOULD BE PUBLICATION IN EARLY JANUARY OF A ORDINANCE GESETZ STATING EAST BERLIN CITY COUNCIL COOPTATION OF THE LAWS AS APPLICABLE TO THE CITY.

2. BRAUTIGAM ASKED SEIDEL ABOUT THIS LACK OF PUBLICATION. (THE FRG PERMREP HAD HEARD FROM SWISS EMBASSY CONTACT THAT THE ORDINANCE GAZETTE WOULD NO LONGER COME OUT.) SEIDEL SAID THAT NO DECISION HAD BEEN MADE ON THE PUBLICATION QUESTION BUT THAT HE THOUGHT THAT CESSATION WAS POSSIBLE. HE SAID THIS SEVERAL TIMES. BRAUTIGAM, WHO KNOWS SEIDEL FAIRLY WELL, BELIEVES THAT, IF SEIDEL DESCRIBED CESSATION AS POSSIBLE, IT WAS PROBABLE.

3. BRAUTIGAM AS WELL AS FRENCH AND BRITISH REPS BELIEVE THAT CESSATION OF PUBLICATION, BUT MORE PARTICULARLY ELIMINATION OF VOLKSKAMMER LAW RATIFICATION STEP BY BERLIN CITY COUNCIL WOULD BE A MORE SERIOUS STEP IN THE CURRENT SERIES OF GDR MOVES TOUCHING ON BERLIN STATUS AS IT WOULD MORE DIRECTLY TOUCH JURIDICAL AS DISTINCT FROM PRACTICAL ASPECTS OF BERLIN SITUATION. THE STATUS OF THE CITY IS MORE DIRECTLY AFFECTED THEREBY.

4. BRAUTIGAM SAID HE HAD ALSO PROBED SEIDEL CAUTIOUSLY ABOUT THE OTHER STEPS THAT HAVE OCCURED IN THE LAST PERIOD. SEIDEL'S REACTION WAS AS FOLLOWS ON THE CONFIDENTIAL

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SEVERAL POINTS:

(A) GDR VISAS

IT IS OF COURSE UNDERSTANDABLE THAT VISAS SHOULD BE REQUIRED OF FOREIGNERS, I.E. NON-GERMANS. IT NEEDED TO BE DONE. THERE WAS NO INTENTION WHATSOEVER OF CHANGING THE SITUATION WITH REGARD TO ALLIED PERSONNEL IN WEST BERLIN, MILITARY MISSIONS IN WEST BERLIN, CONSULAR CORPS, OR FRG CITIZENS.

(B) CONTROL POINTS

SEIDEL THOUGHT THE CONTROL POINTS WERE "SENSELESS" AND HAD BEEN SO FOR A LONG TIME BECAUSE ONLY SOME STREETS LEAVING THE CITY WERE CONTROLLED AND, IN EFFECT, PASSAGE "OUT INTO THE REPUBLIC" HAD NEVER BEEN FULLY CONTROLLED. SEIDEL ADDED "IT WAS TIME TO PUT OUR HOUSE IN ORDER."

(C) EAST BERLIN DELEGATES TO THE VOLKSKAMMER

SEIDEL SAID IN RESPONSE TO BRAUTIGAM'S QUESTION THAT

THERE WAS NO INTENTION TO CHANGE THE STATUS OF EAST BERLIN DELEGATES. "WE DO NOT INTEND TO HAVE BY-ELECTIONS". BRAUTIGAM WONDERED WHETHER THIS MEANT THAT IN FIVE YEARS THERE MIGHT BE AN ELECTION INVOLVING EAST BERLIN. UK REP (PESTELL) BELIEVED THIS WAS POSSIBLE.

(D) VOTING IN VOLKSKAMMER BY EAST BERLIN DELEGATES SEIDEL SAID VOTING WAS NOT A PROBLEM ANY MORE BECAUSE EAST BERLIN HAD "ALREADY BEEN INCLUDED IN THE FRAKTIONS". SEIDEL WAS VERY CAUTIOUS AS HE ARTICULATED THIS POINT. ALLIED REPRESENTATIVES WONDERED WHETHER EAST BERLIN DELEGATES ACTUALLY VOTED IN THE VOLKSKAMMER WHEN AFFIRMATIVE OR NEGATIVE VOTES WERE CALLED FOR BY THE PRESIDENT.

5. COMMENT: ALTHOUGH THIS ISSUE DOES NOT DIRECTLY RELATE TO THE CURRENT SPATE OF PROBLEMS INVOLVING CONFIDENTIAL

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GDR ACTS RELATING TO BERLIN STATUS, FRG, BRITISH AND FRENCH REPS AT THIS MEETING BELIEVED THAT IF THE CITY ASSEMBLY CEASED COOPTING GDR LAW AS APPLICABLE TO EAST BERLIN AND SUCH NOTIFICATION WAS NOT PUBLISHED IN AN ORDINANCE GAZETTE, IT REPRESENTED A POTENTIALLY SERIOUS MOVE BY THE EAST GERMANS AS IT DIRECTLY TOUCHED ON THE JURIDICAL BASIS OF BERLIN'S STATUS. ALL AGREED THAT IT WILL NOT BE CLEAR THAT THE EAST GERMANS HAVE DONE THIS FOR SOME TIME. WE MUST ALL WATCH THE SITUATION CAREFULLY. BRAUTIGAM ALSO SUGGESTED THAT THE ALLIED PROTEST CONCERNING GDR VISAS AND CONTROL POINTS SCHEDULED TO COME OUT TODAY OR TOMORROW COULD POSSIBLY CAUSE THE GDR TO RECONSIDER WHAT APPEARS TO BE A MOVE TO HAVE GDR LAW DIRECTLY APPLICABLE TO EAST BERLIN. POLANSKY

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: PUBLICATIONS, LAW, VISA REGULATIONS, DIPLOMATIC DISCUSSIONS, BERLIN QUADRIpartite MATTERS
Control Number: n/a
Copy: SINGLE
Sent Date: 06-Jan-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977BERLIN05034
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Expiration:
Film Number: D770006-0149
Format: TEL
From: BERLIN
Handling Restrictions: n/a
Image Path:
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Legacy Key: link1977/newtext/t19770177/aaaacoru.tel
Line Count: 153
Litigation Code IDs:
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Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: c87ab8dc-c288-dd11-92da-001cc4696bcc
Office: ACTION EUR
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 77 BERLIN 5015
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 24-Jan-2005 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 3654999
Secure: OPEN
Status: NATIVE
Subject: FRG DEPUTY PERMANENT REPRESENTATIVE SUSPICIOUS ABOUT GDR SUSPENSION OF PUBLISHING ORDINANCE OF EAST BERLIN
TAGS: PFOR, PINT, GC
To: STATE
Type: TE
vdkgvwkey: odbc://SAS/SAS.dbo.SAS_Docs/c87ab8dc-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009